

Remarks/Arguments

In the Specification, the paragraphs beginning on page 2, line 11 and page 2, line 17 have been amended, and no new matter has been introduced.

Claims 1-3, 5-13, and 15 have been amended. No new claims have been added. No claims have been canceled. Claims 1-15 remain pending in this application. Reexamination and reconsideration of the application as amended are respectfully requested.

Provisional Rejection of Claims 1-15 under Double Patenting

The Examiner rejected claims 1-15 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over co-pending Application Number 09/687,033 and over co-pending Application Number 09/687,414. Applicants respectfully traverse this rejection for the reasons set forth below.

Applicants have provided an appropriate terminal disclaimer relative to co-pending Application Numbers 09/687,033 and 09/687,414.

Rejection of Claims 1-15 under 35 USC § 112, Second Paragraph

The Examiner rejected claims 1-15 under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse this rejection for the reasons set forth below.

Applicants have amended claims 1-3, 5-13 , and 15 making the appropriate amendments such that the claims particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Rejection of Claims 1, 6, and 11 under 35 USC § 102(e)

The Examiner rejected claims 1, 6, and 11 under 35 U.S.C. § 102(e) as allegedly being anticipated by *Kenner et al.*, U.S. Patent No. 6,314,565. Applicants respectfully traverse this rejection for the reasons set forth below.

The present invention provides for updating an application program in a data processing system for execution **by a particular user** on ~~the~~ **a local** data processing system, **said data processing system comprising the local data processing system and a remote data processing system**, comprising: defining a **user configuration** of the application program corresponding to ~~a~~ **the particular user** of the application program; **determining that the stored user configuration corresponds to the requesting particular user**; determining if any items described in the **user configuration** have been updated; retrieving an updated item if the item has been updated; and building the application program with the updated item.

Kenner et al. provides for updating an application program in a data processing system for execution on a local data processing system (workstation or terminal), said data processing system comprising the local data processing system and a remote data processing system, comprising: defining a **system configuration** of the application program corresponding to the **system**; determining if any items described in the **system configuration** have been updated;

retrieving an updated item if the item has been updated; and building the application program with the updated item.

According to the teachings of *Kenner et al.*, if a particular user uses a system (workstation or terminal) and uses an application built on that system, then the application is built according to the system configuration, not according to a user configuration corresponding to the particular user. Furthermore, according to the teachings of *Kenner et al.*, if multiple users are using the same system, then each of the multiple users uses the same application built according to the same single system configuration. In addition, according to the teachings of *Kenner et al.*, if the particular user moves from a first system with a first system configuration to a different second system with a second system configuration, then the particular user is forced to use the application built according to the second system configuration although the user is accustomed to using the application built according to the first system configuration.

Unlike the *Kenner et al.* system configuration with the above deficiencies, the present invention provides a novel user configuration of the application program corresponding to the particular user of the application program and builds the application according to the user configuration. The application is built according to the user configuration, not according to a system configuration. If multiple users are using the same system, then each of the multiple users may use a different build of the application built according to a different user configuration corresponding to each of the different multiple users. If the particular user moves from a first system to a different second system, then the particular user may use a build of the application

built according to the user configuration corresponding to the particular user, the build of the application to which the user is accustomed.

Applicants therefore respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. § 102(e) rejections of independent claims 1, 6, and 11.

Rejection under 35 U.S.C. §103(a) of Claims 2, 7, and 12

The Examiner rejected claims 2, 7, and 12 under 35 U.S.C. § 103(a) as being unpatentable over *Kenner et al.*, U.S. Patent No. 6,314,565, in view of *Hsu*, U.S. Patent No. 5,894,515. Applicants respectfully traverse this rejection for the reasons set forth below.

Relative to dependent claims 2, 7, and 12, these dependent claims depend from independent claims 1, 6, and 11, respectively. Since these dependent claims depend from independent claims 1, 6, and 11, and Applicants believe they have successfully traversed the Examiner's rejection of independent claims 1, 6, and 11, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of dependent claims 2, 7, and 12.

As per dependent claims 2, 7, and 12, since these dependent claims depend from one of independent claims 1, 6, and 11, respectively, which are not subject to a 35 U.S.C. § 103(a) obviousness rejection, Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. § 103(a) obviousness rejections of dependent claims 2, 7, and 12. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. (*In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), MPEP 2143.03).

Rejection under 35 U.S.C. §103(a) of Claims 3, 4, 8, 9, 13, and 14

The Examiner rejected claims 3, 4, 8, 9, 13, and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Kenner et al.*, U.S. Patent No. 6,314,565, in view of *Hsu*, U.S. Patent No. 5,894,515, and further in view of *Hayes, Jr.*, U.S. Patent No. 6,205,476. Applicants respectfully traverse this rejection for the reasons set forth below.

Relative to dependent claims 3-4, 8-9, and 13-14, these dependent claims depend from independent claims 1, 6, and 11, respectively. Since these dependent claims depend from independent claims 1, 6, and 11, and Applicants believe they have successfully traversed the Examiner's rejection of independent claims 1, 6, and 11, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of dependent claims 3, 4, 8, 9, 13, and 14.

As per dependent claims 3-4, 8-9, and 13-14, since these dependent claims depend from one of independent claims 1, 6, and 11, respectively, which are not subject to a 35 U.S.C. § 103(a) obviousness rejection, Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. § 103(a) obviousness rejections of dependent claims 3-4, 8-9, and 13-14. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. (*In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), MPEP 2143.03).

Rejection under 35 U.S.C. §103(a) of Claims 5, 10, and 15

The Examiner rejected claims 5, 10, and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Kenner et al.*, U.S. Patent No. 6,314,565, in view of *Hsu*, U.S. Patent No.

5,894,515, and further in view of *Hayes, Jr.*, U.S. Patent No. 6,205,476, and *Houssain et al.*, U.S. Patent No. 5,581,749. Applicants respectfully traverse this rejection for the reasons set forth below.

Relative to dependent claims 5, 10, and 15, these dependent claims depend from independent claims 1, 6, and 11, respectively. Since these dependent claims depend from independent claims 1, 6, and 11, and Applicants believe they have successfully traversed the Examiner's rejection of independent claims 1, 6, and 11, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of dependent claims 5, 10, and 15.

As per dependent claims 5, 10, and 15, since these dependent claims depend from one of independent claims 1, 6, and 11, respectively, which are not subject to a 35 U.S.C. § 103(a) obviousness rejection,, Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. § 103(a) obviousness rejections of dependent claims 5, 10, and 15. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. (*In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), MPEP 2143.03).


Prior Art Made of Record and Not Relied Upon

Applicant has reviewed the prior art made of record and not relied upon considered pertinent to Applicant's disclosure, and these fail to teach or suggest the claimed invention.

Conclusion

Applicants therefore respectfully request that the Examiner reconsider all currently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this Application, the Examiner is invited to telephone the undersigned at the number provided. Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,
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